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REMARKS

Claims 1-34 were rejected under 35 USC 103 as being unpatentable over Staples et al, US Patent 5,764,639 in view of Egan et al, US Patent 6,560,223. Applicant respectfully traverse.

In regard to claims 1-3, 17-18, and 24-34, the Examiner asserts that the Staples et al reference teaches the following:

1. a first switch (switch 112),

2. connected to a network using trunk lines (PSTN of FIGS. 4 and 5),

3. and a digital port through which information contained in the first switch can be accessed and through which control signals can be applied to control operation of the first switch, (col. 8, line 44 through col. 10, line 23),

4. and a second switch connected to the network using trunk lines (server 160)

5. and a digital port through which information contained in the first switch can be accessed and through which control signals can be applied to control operation of the first switch, (col. 8, line 44 through col. 10, line 23), and

6. memory in the first switch containing directive that each call detonates to a specified line of first switch is to be forwarded, through the network to a specified line of the second switch (PSTN FIG. 4).

The Egan et al reference is submitted because, according to the Examiner, for its teaching of signaling devices that pass call set up information.

Applicant respectfully disagrees.

First, it is noted that claim 1 is a Jepson type claim. While it is true that the preamble of such a claim is rebuttably considered to be in the prior art, it is also true that the subject matter of the preamble inherently is part of the limitations of the claim.

As will be shown below, the cited references (even in combination) do not describe a switch (PBX) like the ones specified in claim 1. However, although the definition of the switches is in the preamble the Examiner is not free to disregard the fact that the references do not show or suggest such switches with a dismissive remark that they are defined in the preamble and therefore are prior art devices that do not constitute a limitation of the claim.

Prior to addressing the claim language, it may be useful to note that the advance in the art contributed by applicant is the use of PBXs to effect seamless remote presence through programming of the PBXs that are modified to accept such programming and respond to such programming. The programming is done through populating a memory in

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the PBS via a digital administrative port of the PBX that is normally available to (a) access information contained in the PBX, and (b) to control the manner of operation of the PBX (in contrast to specific switching of calls based on call setup information).

Once the PBXs are programs for a particular remote presence setup, no signals pass through the digital ports in connection with the remote presence operations.

With this recognition in mind, the following focuses on the claims.

Addressing claim 1 proper, it is noted that the claim specifies two switches, each of which includes lines that connect to telephone instruments and trunks that connect to a network. A switch that has "lines" and "trunks" is often called a "PBX."

Additionally, claim 1 specifies each of the specified PBX includes a digital port that "through which information contained in said second switch can be accessed, and through which control signals can be applied to control operation of."

' The Examiner correctly points out that the Staples et al reference includes a PBX 112. The Examiner also correctly points out that Staples et al describes a PSTN network. As for the connection of PBX 112 to the PSTN, FIG. 1 of the Staples et al reference shows only a connection between BPX 112 and virtual presence server 106, and it is not clear whether they are the PBX lines, or trunks, but FIG. 2 shows an embodiment that includes "lines," which are shown by leads that connect to telephone instruments 122. Additionally, PBX 112 of FIG. 2 also shows leads that connect to the PSTN, and leads 111 that connect to virtual presence server 106. The Staples et al patent's text provides no indication of what call-outs 111 stands for, so it is not known what those leads do. However, since calls apparently use these lines to pass through server 106 to the PSTN, it is a reasonable guess that leads 111 are also trunks. It is clear, however, that as far as leads 111 are concerned, PBX 112 is not **connected** to the PSTN. Rather, it is coupled to the PSTN via the virtual presence server 106.

As for the "digital port" limitation 3 and 5 in the above list, the Examiner cites the rather lengthy passage from col. 8, line 44 through col. 10, line 23, but does not actually state that this passage (or some portion thereof) teaches a digital port of the type specified in claim 1. Respectfully, this passage neither describes nor suggests a digital port that each PBX includes -- of whatever functionality -- and certainly not of the functionality specified in claim 1. None of the Staples et al FIGs. show anything that can reasonably be interpreted to be a digital port of the type specified in claim 1. Therefore, it is respectfully submitted that the Staples reference does not teach or suggest the switch (PBX) specified in claim 1.

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The Egan et al reference also shows a PBX (in FIG. 2), and the Egan et al PBX does include a digital port. However, this port is merely used as another path for communicating signaling and voice information, albeit in IP packet protocol. There is no indication that the digital port of the Egan et al PBX is a port though which "information contained in said second switch can be accessed." It is also not a port "through which control signals can be applied to control operation of said second switch."

As an aside, controlling "*the operation* of the switch does not refers to the switching that the switch performs, but rather, it refers to how it operates. To make this clearer, claim 1 is amended to specify control of "the manner of operation."

Based on the above it is applicant's view that the combination of Staples et al and Egan et al does not describe PBXs of the structure specified in claim 1 and, therefore, claim 1 is not obvious in view of this combination of references.

Additionally, claim 1 specifies a memory in one of the specified PBXs that

contains a directive that each call destined to a specified line A of said lines of said first switch is to be forwarded, through said network, to a specified line B of said second switch, and to forward a caller-ID signal associated with said each call to said line B

With respect to this limitation the Examiner repeats the wording of this limitation and adds "(see PSTN figure 4)." Presumably, the Examiner asserts that the PSTN shown in FIG. 4 somehow shows, teaches, or suggests such a memory. Respectfully, applicant disagrees. Neither the PSTN image in FIG. 4, nor any other element in FIG. 4 is, or suggest, a memory within the PBX (112) shown in FIG. 4, or in any other element, for that matter. Likewise relative to the text that explains FIG. 4.

Applicant was also unable to find such a memory in the Egan et al reference either, and the Examiner has not asserted the presence of such a memory (in fact, the Examiner has admitted that the call setup functionality is handled by devices 50 and 55 (sic), which are separate from devices 35 and 115, which the Examiner asserts are PBXs).

Applicant respectfully submits, therefore, that the improved arrangement specified in claim 1 is simply not present in the Staples et al reference, or in the Egan et al reference, or in their combination.

Furthermore, it is noted that claim 1 specifies that the memory contains a directive for sending an incoming call's caller ID that is destined to line A of the first switch, to line B of the second switch. The Examiner points to the fact that Egan et al teach passing call setup information between network nodes. First, the passing of the call setup information in the

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Egan et al reference is between devices 50 and 55, and not between the PBXs. Second, call setup information is information that is necessary to set up calls, and caller ID information is NOT such information. Therefore, caller ID information is not call setup information, as asserted by the Examiner.

Applicants therefore respectfully submits that the specified memory constitutes an additional reason to hold that claim 1 is not obvious in view of the Staples et al and Egan et al combination of references.

Claims 2 and 17, and claims 3 and 18 are duplicates of each other. Applicant regrets the error, and claims 2 and 3 are canceled herein.

As for claims 17 and 18, they specify a memory in the second switch that contains caller ID information of line A (which belongs to the first PBX). Since no memory within a PBX is described at all in either of the cited references, it follows that the memory specified in claims 2 and 3 is also not found in the combination of cited references.

As for independent claim 24, it specifies a method whereby specific information is installed in PBXs, and the PBXs are adapted to be responsive to the installed information. As discussed above, neither of the cited references describes or suggests such PBXs, and not surprisingly, neither of the above references teach or suggest the method defined in claim 24. It is noted that the Examiner has provided no explanation or citation of any passage in either of the references in support the Examiner's rejection. Applicant therefore believes that claim 24 is not obvious in view of the cited references.

Claim 25 is amended to make it clearer because, upon review, applicant determined that it is not clear what is meant by installing a calling plan "at" the second telephonic instrument. As amended, it is clear that the storing is "in association" with the second telephonic instrument. Even before this amendment, it was -- and still is -- clear that claim 25 specifies a step of "obtaining calling plan information of said first telephonic instrument" and installing the calling plan "at" i.e., "in association with" the second telephonic instrument. There is absolutely no hint of such method steps in either of the cited references. It is believed, therefore, that claim 25 is not obvious in view of the cited combination of references.

Claim 26 - 29 depend on claim 25. It is noted that the Examiner has provided no explanation or citation of any passage in either of the references in support the Examiner's rejection of claims 25-29.

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As for claim 32, applicant respectfully asserts that at least the steps of determining, translating and undertaking that are defined in the claim are not described or suggested by the cited references, taken singly or in combination. Claims 33 and 34 depend on claim 32. It is noted that the Examiner has provided no explanation or citation of any passage in either of the references in support the Examiner's rejection of claim 32. It is respectfully submitted, therefore, that claims 32-34 are not obvious in view of the cited combination of references.

Regarding claims 10-16, and 20-23, which define various aspects of a digital network that couples the digital ports of the two PBXs, the Examiner points to Egan et al. However, none of the passages cited by the Examiner teaches or suggest any security on the digital network. Claim 12, for example, explicitly specifies a gateway processor that is interposed between the digital port of the first switch and the second switch. Egan et al have two devices that can correspond to this gateway (devices 50 and 55), but neither of them includes any security features or capabilities. In short, applicant believes that the references, taken singly or in combination, do not describe or suggest use of a digital network that is secure. Therefore, it is believed that claims 10-16 and 20-23 are not obvious in view of the cited combination of references.

In light of the above amendments and remarks, applicant respectfully submits that all of the Examiner's rejections have been overcome. Reconsideration and allowance are respectfully solicited.

Respectfully,
Alan E. Kaplan

Dated: 6/24/04
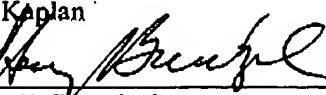
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